

FEDERAL ELECTION COMMISSION Washington DC 20463

THIS IS THE BEGIND	<u>VING</u> OF ADMINIST	RATIVE FINE CASE # 2710
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RECEIVED FEDERAL ELECTION COMMISSION SECRETARIAT

2013 APR -2 AM 8: 56

April 1, 2013

MEMORANDUM

SENSITIVE

TO:

The Commission

THROUGH:

Alec Palmer
Staff Director

FROM:

Patricia C. Orrock Far RC

Chief Compliance Officer

Debbie Chacona DC/NUL Assistant Staff Director Reports Analysis Division

BY:

Jodi Winship/Sari Pickerall

Comptiance Branch

SUBJECT:

Reason To Believe Recommendation - 2012 Year-End Report for the

Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2012 Year-End Report in accordance with 2 U.S.C. 434(a). The Year-End Report was due on January 31, 2012.

The committees listed in the attached RTB Circulation Report either failed to file the report,

mo more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

- 1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
- 2. Send the appropriate letters.

Federal Election Commission Reason to Believe Circulation Report 2012 YEAR-END Not Election Sensitive 01/31/2013 H_S_P_UNAUTH

AF#	Committee	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2689	C00424788	AMBULATORY SURGERY CENTER ASSOCIATION PAC (ASCAPAC)	= = = = = = = = = = = = = = = = = = = =	BRENDAN DAVIS	\$389,962	0	2/12/2013	12	\$5,159	\$115
2690	C00436360	AMEDISYS INC POLITICAL ACTION COMMITTEE		DALE E. REDMAN	\$329,779	0	2/7/2013	7	\$29,511	\$340
2691	C00102764	AMERICAN CHIROPRACTIC ASSOCIATION PAC		DR. MICHAEL SIMONE	\$628,252	0	2721/2013	21	\$13,193	\$215
2692	C00511980	ANDREI FOR ARIZONA	CHERNY, ANDREI	SETH SCOTT	\$2,247,802	_ 0		Not Filed	\$561,951 (est)	\$11,000
2693	C00499491	ANDREW HUGHES FOR CONGRESS	HUGHES, ANDREW IFITS	JEFF UPTHEGROVE	\$505,503	1	2/19/2013	19	\$13,888	\$256
2694	C00507442	BARBARA CARLSON FOR US CONGRESS COMMITTEE	CARLSON, BARBARA J	SHERI EDWARDS	\$239,627	0		Not Filed	\$47,925 (est)	\$990
2695	C00504068	BARNES FOR CONGRESS	BARNES, BRIAN PATRICK	LISA MILLER	\$198,374	0	3/11/2013	Not Filed	\$11,256	\$550
2696	C00503177	BETTE GRANDE FOR	GRANDE, BETTE B	ALEC H. GRANDE	\$120,672	0		Not Filed	\$10,090	\$550

2702	C00523167	COMMITTEE TO ELECT RICK MURPHY FOR CONGRESS	MURPHY, RICK	RICK MURPHY	\$171,886	0)	Not Filed	\$57,295 (est)	\$2,970
2704	C00468009	EDWARDS WILDMAN PAC		KEITH KOTLER	\$426,175	0	2/22/2013	22	\$13,092	\$220
2705	C00500058	FRIENDS OF DAVID FOR CONGRESS	THAYNE, DAVID CRUZ	DAVID CRUZ THAYNE	\$171,317	0		Not Filed	\$28,553 (est)	\$990
2707	C00473710	FRIENDS OF LIBERTY FOR JESSIQA	PUENTE BRADSHAW, JESSICA	GARY E. DOAN	\$181,853	0	3/12/2013	Not Filed	\$1,415	\$250
2709	C00380421	FRIENDS OF TIM JOHNSON	JOHNSON, TIMOTHY V	MARK SHELDEN	\$1,278,389	0	2/12/2013	. 12	\$12,964	\$170
2710	C00505685	GARY SMITH FOR CONGRESS	SMITH, GARY	GARY SMITH	\$505,283	1		Not Filed	\$168,428 (est)	\$7,562
2711	C00495259	IMM/GRATION911, LLC		STANLEY P.	\$520,898	1	2/13/2013	13	\$15,308	\$218
2712	C00498311	IMUS FOR CONGRESS	IMUS, GREGG	CHAD HANELY	\$228,972	0		Not Filed	\$28,622 (est)	\$990

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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalt
					•					•
2715	C00478818	JIM HORN ELECTION COMMITTEE	HORN, JIM	OLIVIA JULIA HORN	\$182,905	3		Not Filed	\$36,581 (est)	\$1,732
716	C00497644	JIMMIE MOORE FOR CONGRESS	MOORE, JIMMIE SEE	GAIL A. CHINN- PRATT	\$342,740	1		Not Filed	\$57,123 (est)	\$3,712
		•								
?719	C00512368	KRISTIN JACOBS FOR CONGRESS	JACOBS, KRISTIN	JACOB C. RICHTER	\$976,873	0	2/19/2013	19	\$901	\$120
721	C00517110	LEAH FOR CONGRESS	SCHANDLBAUER, LEAH CAMPOS	JACOB BROWN	\$143,979	1]	Not Filed	\$35,995 (est)	\$1,237
723	C00517078	LONG, WILLIAM TODD	LONG, WILLIAM TODD	TODD LONG	\$295,925	0		Not Filed	\$49,321 (est)	\$990
				1000000						
725	C00432948	MCGOFF FOR CONGRESS	MCGOFF, JOHN P	MARJORIE O'LAUGHLIN	\$808,351	0		Not Filed	\$101,044 (est)	\$4,950
2727	C00457960	MICHAEL WILLIAMS FOR CONGRESS	WILLIAMS, MICHAEL L	R. STEVEN HICKS	\$1,615,965	0		Not Filed	\$201,996 (est)	\$7,150
27 29	C00413567	NATIONAL ASSOCIATION OF FARM SERVICE AGENCY COUNTY OFFICE EMPLOYEES INC PPC AKA NASCOF PAC		ROBERT L. REDDING, JR.	\$200,302	1	2/11/2013	11	\$7,906	\$137
2730	C00506568	PELOQUIN FOR CONGRESS	PELOQUIN, DONALD	KYLE KACZANOWSKI	\$201,448	0		Not Filed	\$28,778 (est)	\$990
731	C00523993	REDFIELD FOR CONGRESS	REDFIELD. HOLLAND II	JAMES OLIVER	\$107,866	0		Not Filed	\$17,978 (est)	\$550
2733	C00507202	ROBERTS FOR CONGRESS	ROBERTS, MARVIN KIRBY	JUSTIN ROBERTS	\$183,304	0		Not Filed	\$36,661 (est)	\$990
.,				 <u>-</u>			_ ,	,		
<u>2</u> 736	C00343475	TODD AKIN FOR SENATE	AKIN, W TODD	G. SCOTT ENGELBRECHT	\$11,842,136	0	2/7/2013	7	\$121,140	\$1,535
2739	C00514414	ZEIN OBAGI FOR CONGRESS	OBAGI, ZEIN ELABDINE JR	ZEIN E. OBAGI, JR.	\$126,725	0]	Not Filed	\$31,681 (est)	\$990

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of))
Reason To Believe Recommendation -)
2012 Year-End Report for the	<u>)</u>
Administrative Fine Program:)
AMBULATORY SURGERY CENTER) AF# 2689
ASSOCIATION PAC (ASCAPAC), and)
DAVIS, BRENDAN as treasurer;)
AMEDISYS INC POLITICAL ACTION) AF# 2690
COMMITTEE, and DALE E REDMAN as)
treasurer;)
AMERICAN CHIROPRACTIC) AF# 2691
ASSOCIATION PAC, and SIMONE,)
MICHAEL DR as treasurer;)
ANDREI FOR ARIZONA, and SETH) AF# 2692
SCOTT as treasurer;)
ANDREW HUGHES FOR CONGRESS,) AF# 2693
and JEFF UPTHEGROVE as treasurer;)
BARBARA CARLSON FOR US) AF# 2694
CONGRESS COMMITTEE, and SHERI)
EDWARDS as treasurer;)
BARNES FOR CONGRESS, and MILLER,) AF# 2695
LISA as treasurer;)
BETTE GRANDE FOR CONGRESS, and) AF# 2696
ALEC H GRANDE as treasurer;)

Federal Election Commission
Certification for Administrative Fines
April 03, 2013

•		
COMMITTEE TO ELECT RICK MURPHY FOR CONGRESS, and RICK)	AF# 2702
MURPHY as treasurer;)	
EDWARDS WILDMAN PAC INC, and KOTLER, KEITH as treasurer;)	AF# 2704
FRIENDS OF DAVID FOR CONGRESS, and DAVID CRUZ THAYNE as treasurer;)	AF# 2705
FRIENDS OF LIBERTY FOR JESSICA, and DOAN, GARY E MR. as treasurer;)	AF# 2707
FRIENDS OF TIM JOHNSON, and SHELDEN, MARK as treasurer;)	AF# 2709
GARY SMITH FOR CONGRESS, and GARY SMITH as treasurer;)	AF# 2710
IMMIGRATION911, LLC, and STANLEY P DULL as treasurer;)	AF# 2711
IMUS FOR CONGRESS, and CHAD HANELY as treasurer;)	AF# 2712
JIM HORN ELECTION COMMITTEE, and OLIVIA JULIA HORN as treasurer; JIMMIE MOORE FOR CONGRESS, and CHINN-PRATT, GAIL A. as treasurer;)	AF# 2715 AF# 2716
KRISTIN JACOBS FOR CONGRESS, and JACOB C RICHTER as treasurer;)	AF# 2719
LEAH FOR CONGRESS, and JACOB BROWN as treasurer;)	AF# 2721
LONG, WILLIAM TODD, and LONG, TODD MR. as treasurer;)	AF# 2723

MCGOFF FOR CONGRESS, and O'LAUGHLIN, MARJORIE as treasurer;)	AF# 2725
MICHAEL WILLIAMS FOR CONGRESS, and HICKS, R. STEVEN as treasurer;)	AF# 2727
NATIONAL ASSOCIATION OF FARM SERVICE AGENCY COUNTY OFFICE EMPLOYEES INC PPC AKA NASCOE PAC, and ROBERT L'REDDING JR as treasurer;)	AF# 2729
PELOQUIN FOR CONGRESS, and KACZANOWSKI, KYLE as treasurer;)	AF# 2730
REDFIELD FOR CONGRESS, and OLIVER, JAMES as treasurer;)	AF# 2731
ROBERTS FOR CONGRESS, and ROBERTS, JUSTIN as treasurer;)	AF# 2733
TODD AKIN FOR SENATE, and ENGELBRECHT, G. SCOTT as treasurer;)	AF# 2736
ZEIN OBAGI FOR CONGRESS, and ZEIN E OBAGI JR as treasurer;)	AF# 2739

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election

Commission, do hereby certify that on April 03, 2013 the Commission took the

following actions on the Reason To Believe Recommendation – 2012 Year-End

Report for the Administrative Fine Program as recommended in the Reports Analysis

Division's Memorandum dated April 01, 2013, on the following committees:

AF#2689 Decided by a vote of 5-0 to: (1) find reason to believe that AMBULATORY SURGERY CENTER ASSOCIATION PAC (ASCAPAC), and DAVIS, BRENDAN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2690 Decided by a vota of 5-0 to: (1) find reason to believe that AMEDISYS INC POLITICAL ACTION COMMITTEE, and DALE B REDMAN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2691 Decided by a vote of 5-0 to: (1) find reason to believe that AMERICAN CHIROPRACTIC ASSOCIATION PAC, and SIMONE, MICHAEL DR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintrauh voted affirmatively for the decision.

AF#2692 Decided by a vote of 5-0 to: (1) find reason to believe that ANDREI FOR ARIZONA, and SETH SCOTT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2693 Decided by a vote of 5-0 to: (1) find reason to believe that ANDREW HUGHES FOR CONGRESS, and JEFF UPTHEGROVE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the

amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintranb voted affirmatively for the decision.

AF#2694 Decided by a vote of 5-0 to: (1) find reason to believe that BARBARA CARLSON FOR US CONGRESS COMMITTEE, and SHERI EDWARDS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2695 Decided by a vote of 5-0 to: (1) find reason to believe that BARNES FOR CONGRESS, and MILLER, LISA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2696 Decided by a vote of 5-0 to: (1) find reason to believe that BETTE GRANDE FOR CONGRESS, and ALEC H GRANDE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintonub voted affirmatively for the decision.

AF#2702 Decided by a vote of 5-0 to: (1) find reason to believe that COMMITTEE TO ELECT RICK MURPHY FOR CONGRESS, and RICK MURPHY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2704 Decided by a vote of 5-0 to: (1) find reason to believe that EDWARDS WILDMAN PAC INC, and KOTLER, KEITH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2705 Decided by a vote of 5-0 to: (1) find reason to believe that FRIENDS OF DAVID FOR CONGRESS, and DAVID CRUZ THAYNE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Waither, and Weintmub voted affirmatively for the decision.

AF#2707 Decided by a vote of 5-0 to: (1) find reason to believe that FRIENDS OF LIBERTY FOR JESSICA, and DOAN, GARY E MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2709 Decided by a vote of 5-0 to: (1) find reason to believe that FRIENDS OF TIM JOHNSON, and SHELDEN, MARK as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2710 Decided by a vote of 5-0 to: (1) find reason to believe that GARY SMITH FOR CONGRESS, and GARY SMITH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2711 Decided by a vote of 5-0 to: (1) find reason to believe that IMMIGRATION911, LLC, and STANLEY P DULL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2712 Decided by a vote of 5-0 tn: (1) find reason to believe that IMUS FOR CONGRESS, and CHAD HANELY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2715 Decided by a vote of 5-0 to: (1) find reason to believe that JIM HORN ELECTION COMMITTEE, and OLIVIA JULIA HORN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2716 Decided by a vote of 5-0 to: (1) find reason to believe that JIMMIE MOORE FOR CONGRESS, and CHINN-PRATT, GAIL A. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2719 Decided by a vote of 5-0 to: (1) find reason to believe that KRISTIN JACOBS FOR CONGRESS, and JACOB C RICHTER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2721 Decided by a vote of 5-0 to: (1) find reason to believe that LEAH FOR CONGRESS, and JACOB BROWN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2723 Decided by a vote of 5-0 to: (1) find reason to believe that LONG, WILLIAM TODD, and LONG, TODD MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2725 Decided by a vote of 5-0 to: (1) find reason to believe that MCGOFF FOR CONGRESS, and O'LAUGHLIN, MARJORIE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2727 Decided by a vote of 5-0 to: (1) find reason to believe that MICHAEL WILLIAMS FOR CONGRESS, and HICKS, R. STEVEN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2729 Decided by a vote of 5-0 to: (1) find reason to believe that NATIONAL ASSOCIATION OF FARM SERVICE AGENCY COUNTY OFFICE EMPLOYEES INC PPC AKA NASCOE PAC, and ROBERT L REDDING JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2730 Decided by a vote of 5-0 to: (1) find reason to believe that PELOQUIN FOR CCNGRESS, and KACZANOWSKI, KYLE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil menesy penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2731 Decided by a vote of 5-0 to: (1) find reason to believe that REDFIELD FOR CONGRESS, and OLIVER, JAMES as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2733 Decided by a vote of 5-0 to: (1) find reason to believe that ROBERTS FOR CONGRESS, and ROBERTS, JUSTIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2736 Decided by a vote of 5-0 to: (1) find reason to believe that TODD AKIN FOR SENATE, and ENGELBRECHT, G. SCOTT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2739 Decided by a vote of 5-0 to: (1) find reason to believe that ZEIN OBAGI FOR CONGRESS, and ZEIN E OBAGI JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

Hyul 3, 3013
Date

hawn Woodhead Werth

Secretary and Clerk of the Commission



April 4, 2013

Gary Smith, in official capacity as Treasurer Gary Smith for Congress P.O. Box 36287 Albuquerque, NM 87176

C00505685 AF#: 2710

Dear Mr. Smith:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year End Report of Receipts and Disbursements every calendar year. This report, covering the period through December 31, 2012, was due no later than January 31, 2013. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On April 3, 2013, the FEC found that there is reason to believe ("RTB") that Gary Smith for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before January 31, 2013. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$7,562. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See http://www.fec.gov/af/af.shtml. 11 CFR § 111.34. Your payment of \$7,562 is due within forty (40) days of the finding, or by May 13, 2013, and is based on these factors:

Sensitivity of Report: Not Election Sensitive

Level of Activity: \$168,428 Number of Days Late: Not Filed

Number of Previous Civil Money Penalties Assessed: 1

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or May 13, 2013. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strengly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. Id. Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Gary Smith for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 et seq. The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at http://www.fec.gov/af/af.shtml. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

Ellen L. Weintrand

Ellen L. Weintraub Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$7,562 for the 2012 Year-End Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission P.O. Box 979058 St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox FEC #979058 1005 Convention Plaza Attn: Government Lockbox, SL-MO-C2GL St. Louis, MO 63101

The remittance and your payment are due by May 13, 2013. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR FAYMENT

FOR: Gary Smith for Congress

FEC ID#: C00505685

AF#: 2710

PAYMENT DUE DATE: May 13, 2013

PAYMENT AMOUNT DUE: \$7,562

___ __



2013 JUN 26 AM 11: 49

June 25, 2013

SENSITIVE

MEMORANDUM

TO:

The Commission

THROUGH:

Alec Palmer

Staff Director

FROM:

Patricia C. Orrock

Chief Compliance Officer

Debbie Chacona **Assistant Staff Director**

Reports Analysis Division

BY:

KP Kristin DeCarmine/Sari Pickera

Compliance Branch

SUBJECT:

Administrative Fine Program - Final Determination Recommendation for the

2012 Year End Report

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2012 Year End Report. The first list represents the committees that have paid the civil money penalty and the second list represents the committees that have not paid the eivil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

Reports Analysis Division (RAD) recommends that the Commission take no further action against two (2) of the committees outlined on the attached second list, Gary Smith for Congress (AF 2710) and Jim Horn Election Committee (AF 2715). An overview of both cases has been provided below.

• Gary Smith for Congress (AF 2710) is the principal campaign committee ("PCC") for a candidate who, as of April 9, 2012, appeared on the ballot in the 2012 New Mexico Congressional election held on June 5, 2012. On April 16, 2012, a New Mexico district court judge ruled that Mr. Smith was ineligible for the Republican primary ballot in New Mexico's 1st Congressional District. In May 2013, after RTB, RAD uncovered that Mr. Smith was allegedly arrested on multiple occasions. The committee currently has two (2) outstanding Administrative Fines (AF cases 2545 and 2710), for which the civil money penalties total \$8,552. AF case 2545 has been transferred to the U. S. Department of the Treasury ("Treasury") for collection. It is expected that AF 2710 will also be transferred to Treasury once the forty (40) day period has elapsed from the receipt date of the Final Determination notification.

Please note that the last report filed by the above committee with the Commission was a 2012 Termination Report, filed on October 25, 2012. Since then, the committee has stopped filing and has not filed in 2013. Furthermore, the committee has neither responded to Commission requests to file, nor paid any of the assessed fines. Attempts to notify the committee of RTB and FD findings by the Commission, which were sent by USPS Express Mail and United Parcel Service (UPS), were often returned.

• Jim Horn Election Committee (AF 2715) is the principal campaign committee ("PCC") for a candidate who appeared on the ballot in the 2012 Florida Congressional election held on August 14, 2012. In April 2013, after RTB, RAD discovered that the candidate died on October 8, 2012. The committee currently has four (4) outstanding Administrative Fines (AF cases 2546, 2567, 2585 and 2715), for which the civil money penalties total \$5,359. AF cases 2546, 2567, and 2585 have been transferred to the U. S. Department of the Treasury ("Treasury") for collection. It is expected that AF 2715 will also be transferred to Treasury once the forty (40) day period has elapsed from the receipt date of the Final Determination notification.

Please note that the last report filed by the above committee with the Commission was a 2012 April Quarterly Report, filed on April 16, 2012. Since then, the committee has stopped filing and has not filed in 2013. Furthermore, the committee has neither responded to Commission requests to file, nor paid any of the assessed fines. RAD will be referring the Jim Horn Election Committee to OGC for administrative termination.

As such, RAD recommends no further action against Gary Smith for Congress and Jim Horn Election Committee.

In addition, twenty-two (22) committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. Of these, eight (8) committees will be assessed a civil money penalty at Final Determination (FD) that has been reduced since the

RTB finding, and fourteen (14) committees will be assessed a civil money penalty of \$0 at FD. An overview of each of these cases has been provided below.

Andrei for Arizona (AF 2692) filed the 2013 Termination Report with coverage dates including the 2012 Year End period after the RTB finding and disclosed no activity (previously estimated to be \$561,951), which would result in no civil money penalty (fine previously assessed to be \$11,000).

Barbara Carlson for US Congress Committee (AF 2694) filed the 2012 Year End Report after the RTB finding and disclosed no activity (previously estimated to be \$47,925), which would result in no civil money penalty (fine previously assessed to be \$990).

Committee to Elect Rick Murphy for Congress (AF 2702) filed the 2012 Year End Report after the RTB finding and disclosed no activity (previously estimated to be \$57,295), which would result in no civil money penalty (fine previously assessed to be \$2,970).

Friends of David for Congress (AF 2705) filed the 2012 Year End Report after the RTB finding and disclosed no activity (previously estimated to be \$28,553), which would result in no civil money penalty (fine previously assessed to be \$990).

Imus for Congress (AF 2712) disclosed no activity after the RTB finding (previously estimated to be \$28,622), which would result in no civil money penalty (fine previously assessed to be \$990).

Jimmie Moore for Congress (AF 2716) disclosed no activity after the RTB finding (previously estimated to be \$57,123), which would result in no civil money penalty (fine previously assessed to be \$3,712).

Leah for Congress (AF 2721) filed the 2012 Year End Report after the RTB finding and disclosed no activity (previously estimated to be \$35,995), which would result in no civil money penalty (fine previously assessed to be \$1,237).

Long, William Todd (AF 2723) disclosed no activity after the RTB finding (previously estimated to be \$49,321), which would result in no civil money penalty (fine previously assessed to be \$990).

McGoff for Congress (AF 2725) filed the 2013 Termination Report with coverage dates including the 2012 Year End period after the RTB finding and disclosed no activity (previously estimated to be \$101,044), which would result in no civil money penalty (fine previously assessed to be \$4,950).

Michael Williams for Congress (AF 2727) filed the 2012 Year End Report after the RTB finding and disclosed no activity (previously estimated to be \$201,996), which would result in no civil money penalty (fine previously assessed to be \$7,150).

Peloquin for Congress (AF 2730) filed the 2012 Termination Report with coverage dates including the Year End period after the RTB finding and disclosed no activity (previously estimated to be \$28,778), which would result in no civil money penalty (fine previously assessed to be \$990).

Redfield for Congress (AF 2731) filed the 2013 Termination Report with coverage dates including the 2012 Year End period after the RTB finding and disclosed no activity (previously estimated to be \$17,978), which would result in no civil money penalty (fine previously assessed to be \$550).

Roberts for Congress (AF 2733) filed the 2012 Year End Report after the RTB finding and disclosed no activity (previously estimated to be \$36,661), which would result in no civil money penalty (fine previously assessed to be \$990).

Zein Obagi for Congress (AF 2739) filed the 2012 Year End Report after the RTB finding and disclosed no activity (previously estimated to be \$31,681), which would result in no civil money penalty (fine previously assessed to be \$990).

Also, three (3) committees detailed below designated a new Treasurer after the RTB finding:

- Bette Grande for Congress (AF 2696) filed an Amended Statement of Organization after the RTB finding designating Don Grande as Treasurer (see first list);
- Edwards Wildman PAC Inc (AF 2704) filed an Amended Statement of Organization after the RTB finding designating John Holthaus as Treasurer (see first list);

Also, one (1) committee detailed below converted to a Political Action Committee (PAC) after RTB; therefore, changing the Committee name:

• Friends of Tim Johnson (AF 2709) filed an Amended Statement of Organization after the RTB finding designating them as a PAC and changing their name to Middle Ground PAC (see first list).

RAD Recommendation

- 1. Take no further action against Gary Smith for Congress (AF 2710) and Jim Horn Election Committee (AF 2715) and exclude these committees from future Administrative Fine Reason to Believe recommendations.
- 2. Make final determination that the political committees and their treasurers listed on the attached reports violated 2 U.S.C. § 434(a) and assess the final civil money penalties so indicated.
- 3. Make final determination that the political committees and their treasurers listed on the attached reports with no activity, violated 2 U.S.C. § 434(a) and will not be assessed a civil money penalty.
- 4. Send the appropriate letters.

Federal Election Commission FD Circulation Report Fine Paid 2012 YEAR-END Not Election Sensitive 01/31/2013 H_S_P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2689	AMBULATORY SURGERY CENTER ASSOCIATION PAC (ASCAPAC)	-	C00424788	BRENDAN DAVIS	02/12/2013	12	\$5,159	0	04/03/2013	\$1,15	\$115	04/17/2013	5115
2690	AMEDISYS INC POLITICAL ACTION COMMITTEE		C00436360	DALE E. REDMAN	02/07/2013	7	\$29,511	0	04/03/2013	\$340	\$340	05/13/2013	\$340
2691	AMERICAN CHIROPRACTIC ASSOCIATION PAC		C0010276R	BR. MICHAEL SIMONE	02/2 42013	21	\$13,190	0	04/03/2013	\$216	\$215	D4/25/2013	\$215
2693	ANDREW HUGHES FOR CONGRESS	HUGHES, ANDREW IFITS	C00499491	JEFF UPTHEGROVE	02/19/2013	19	\$13,888	1	04/03/2013	\$256	\$256	05/28/2013	\$256
2695	BARNES FEST CONGRESS	BARNES, BRIAN PATRICK	C00504068	LISA MILLER	03/11/2013	Not Filed	\$11,258	0	04/03/2013	\$550	\$550	05/14/2013	\$550
5646	BETTE GRANDE FOR CONTRESS	GRANDE, BETTE B	C00503177	BON GRANDE		HII Filesi	\$10,090	•	Q/M03/2013	\$550	\$550	D5/14/2013	\$550
2704	EDWARDS WILDMAN PAC		C00468009	JOHN HOLTHAUS	02/22/2013	22	\$13,092	٥	04/03/2013	\$220	\$220	05/14/2013	\$220
2787	FRIENDS OF LIBERTY FOR	PUENTE BRADSHAW.	OB647371B	BARY E. DOAN	03/12/2013	Hest Filesal	\$1,485	•	U49000013	\$25	\$250	04/30/2013	B250
276	MIDDLE GROUND PAC	JOHNSON, FROOTHY V	C00350421	MARK SHELDERI	09/12/2013	12	\$12,564	0	()6000/2013	\$170	8170	06/20/2013	\$170
2711	MMIGRATIONS 1, LLC		C00495259	STANLEY P. DULL	02/13/2013	13	\$15,308	1	04/03/2013	\$218	\$218	04/30/2013	\$218
2719	KRISTIN JACOBS FOR CONGRESS	JACOBS, KRISTIN	C00512366	JACOB C. REINTER	02/19/2013	19	\$901	0	04/09/2013	\$125	š 120	04/15/2013	\$120
2729	NATIONAL ASSOCIATION OF FARM SERVICE ARBINCY COUNTY OFFICE EMPLOYEES INC PPC AKA MASCOE PAC		C00413567	POBERT L. REDDING, JR	02/11/2013	11	\$7,906	1	04/03/2013	\$137	\$137	05/14/2013	\$137
2766	TODD AKIN FOR SENATE	AKIN, W TODD	G0034347@	G. MOTT ENGELBRECHT	02/07/2013	7	\$121,140	0	04/86/2013	\$1,585	\$1,535	65/13/2 013	\$4,535_

Federal Election Commission FD Circulation Report Fine Not Paid 2012 YEAR-END Not Election Sensitive 01/31/2013 H_S_P_UNAUTH

AF#	Committee Name	Candidate Name	Committee	Treasurer	Receipt	Days Lafe	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penal
2692	ANDREI FOR ARIZONA	CHERNY, ANDREI	C00511980	SETH SCOTT	04/12/2013	Not Filed	\$0	0	04/03/2013	\$11,000	84	NONE
2694	BARBARA CARLSON FOR US CONGRESS COMMITTEE	Carlson, garbara j	C00507442	SHERI EDWARDS	05/15/2013	Not Fried	\$0	0	Q#03/2013	599 0	84	NONE
			,			1 - 1		1	T		1	Ī
702	COMMITTEE TO ELECT RICK MURPHY FOR CONGRESS	MURPHY, RICK	C00523167	RICK MURPHY	04/05/2013	Not Filed	\$0	0	04/03/2013	\$2,970	84	NONE
2705	FRIENDS OF DAVID FOR COMBIBBIES	THAYNE, DAVID CRUZ	C00500058	DAVID THAYNE	04/16/2013	Not Filed	50	0	04/03/2013	\$990	84	NONE
2710	GARY SMITH FOR	SMITH, GARY	C00505685	GARY SMITH	T	Not Filed	\$168,428 (est)	1	04/03/2013	\$7,582	84	NFA
712	CONGRESS IMUS FOR CONGRESS	IMUS, GREGG	C00498311	CHAD HANELY	 	Not Filed	\$0	┪~	04/03/2013	\$990	84	NONE
2715 2716	JIM HORN ELECTION COMMITTEE JIMMIE MOORE FOR CONGRESS	HORN. JIM MOORE, JIMMIE SEE	C00478818	OLIMA JULIA HORN GAIL A. CHINN-PRATT		Not Filed	\$38,581 (est) \$0	3	04/03/2013	\$1,732 \$3,712	84	NONE
!72 1	LEAH FOR CONGRESS	SCHANDLBAUER, LBAH	C00517110	JACOB BROWN	04/10/2013	Not Filed	\$0	1 1	04/03/2013	\$1,237] 84	BNGN
2723	LONG, WILLIAM TOOD	LONG. WILLIAM TODO	C00517078	TOOD LONG	 	Not Filed	\$0	10	04/03/2013	\$990	84	NONE
2725	MCGOFF FOR CONGRESS T	MCGOFF, JOHN P	C00432948	MĀRJORIE OTAUGHLIN	04/10/2013	Not Filed	\$ 0	1 0	04/03/2013	1 \$4,950	84	NONE
2727	MICHAEL WILLIAMS FOR I	WILLIAMS, MICHAEL L	C00457960	R. STEVEN HICKS	06/21/2013	Not Filed	\$0	•	04/03/2013	87,150	64	NONE
2738	PELOCUIN FOR CONGRESS	PELOQUIN, DONALD	C00506568	KYLE HAÇZANOWSKI	05/13/2013	Not Filed	So:	0	04/03/2013	\$990	24	HONE
2731	REDFIELD FOR CONGRESS	REDFIELD, HOLLAND II	C00523993	JAMES OLIVER	05/08/2013	Not Filed	\$0	0	04/03/2013	\$550	84	NONE
	ROBERTS FOR CONCRESS		C00507202	JUSTIN MOBERTS	D5/13/2D13	Not Fred	\$0	0	84/03/2013	\$99(1	84	NONE
4733										•		
31 33												

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Administrative Fine Program - Final) AFs 2710 and 2715
Determination Recommendation for the)
2012 Year End Report: Gary Smith for	j
Congress and Gary Smith, as treasurer and	j
Jim Horn Election Committee and Olivia	ý
Julia Horn, as treasurer)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election

Commission, do hereby certify that on June 27, 2013, the Commission decided by a

vote of 5-0 to take the following actions in AFs 2710 and 2715:

- 1. Take no further action against Gary Smith for Congress (AF 2710) and Jim Horn Election Committee (AF 2715) and exclude these committees from future Administrative Fine Reason to Believe recommendations.
- 2. Send the appropriate letters.

Commissioners Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

Shawn Woodhead Werth

Secretary and Clerk of the Commission



July 1, 2013

Gary Smith, in official capacity as Treasurer Gary Smith for Congress P.O. Box 36287 Albuquerque, NM 87176

C00505685 AF#: 2710

Dear Mr. Smith:

On April 3, 2013, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Gary Smith for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) for filing late or failing to file the 2012 Year-End Report. By letter dated April 4, 2013, the Commission sent notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$7,562 in accordance with the schedule of penalties at 11 CFR § 111.43.

The FEC made a final determination on June 27, 2013 to take no further action against Gary Smith for Congress and you, in your official capacity as treasurer, assessed no civil money penalty, and voted to close the file.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Sari Pickerall on our toll free number (800) 424-9530 (at the prompt preas 5) or (202) 694-1130.

On behalf of the Commission,

Eller L. Weintrand

Ellen L. Weintraub

Chair



FEDERAL ELECTION COMMISSION Washington DC 20463

THIS IS THE END OF	ADMINISTRATIVE FINE	ECASE # 27 /0
DATE SCANNED	8/1/13	
SCANNER NO.	2	
SCAN OPERATOR	EES	

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